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In re Application of :
Scanlan :
Application No.: 10/560,876 : DECISION
PCT No.: PCT/AU02/00249 :
Int. Filing Date: 05 March 2002 : ON
Priority Date: 06 March 2001 :
Attorney Docket No.: WORLDLINGO 05-02 : PETITION
For: Seamless Translation System :
:

This is in response to the petition to revive under 37 CFR 1.137(b) filed on 12 December 2005.

BACKGROUND

This international application was filed on 05 March 2002, claimed an earlier priority date of 06 March 2001, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 12 September 2002. The 30 month time period for paying the basic national fee in the United States expired at midnight on 06 September 2003. This international application became abandoned with respect to the national stage in the United States under 35 U.S.C. 371(d) for failure to timely pay the basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the “required reply” in the form of the small entity basic national fee accompanied the petition.

Regarding requirement (2), the small entity petition fee has been paid.

Regarding requirement (3), applicant states that “the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.” This satisfies requirement (3).

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

The declaration of the inventor accompanying the petition is defective because it does not clearly identify the application to which it is directed. The only indication of the case to which it is directed is a reference to attorney docket no. "WORLDSLINGO03-02," which differs from the docket number recorded on the other papers in this case. The declaration neither specifies that it is directed toward the accompanying application, nor does it refer to the instant international application.

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).



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